

Supra Montem

*The Approbation of the Third Rule of the Brothers and Sisters
of the Third Order instituted by Bl. Francis,
for seculars living in their own homes, called Tertiaries*

by

Pope Nicholas IV

Rieti, August 17, 1289 A.D.

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Romanorum Pontificum,
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Nicholas IV

*Bishop servant of the servants of God to Our beloved sons the brothers, and to Our
beloved daughters, the sisters of the Order of Brothers of Penance, both present and
future, health and apostolic benediction.*

Upon the mountain of the Catholic Faith, which the sincere devotion of the disciples of Christ—boiling with the fire of charity—has thoroughly taught with the word of solicitous preaching to the peoples of the nations who walked in shadows, and which the Roman Church holds and guards, the solid foundation of the Christian religion is recognized to have been placed, never to be shaken by any disturbance, never to be violently shaken by the commotion of any storm. For indeed this is the Right, and True Faith, without the familiarity of which no one welcome is brought into the sight of the Most High, no one gracious is encountered. This is that, which prepares the path of salvation, and which promises the rewards and joys of eternal felicity. And for that reason the glorious confessor of Christ, Bl. Francis, the institutor of this order, showing the way to ascend to the Lord both in word and example, instructed his own sons in the sincerity of his own faith, and he wanted them also to acknowledge it themselves, to hold it constantly, and to fulfill it similarly with work, so that walking soberly by means of its path, they may, after the workhouse of the present life, merit to be possessors of eternal beatitude.

Chapter I : On the manner of examining those wanting to enter the order

Therefore attending to the order itself with opportune favors, [and] aiming at its more benign increase, We establish, that all, who happen to be received to observe this form of life, before their entrance or reception, are to be subjected to a diligent examination regarding the Catholic Faith and their obedience toward the aforesaid Church. And if they have firmly promised these things, and have truly believed, they can be safely admitted or received to it. One must solicitously take precaution, however, lest any heretic, or anyone suspect of heresy, or even an infamous person, be admitted in any manner to the observance of this life. And if one happens to find such having been received, let him be assigned as swiftly as possible to be punished by the Inquisitors for heretical depravity.

Chapter II: On the form for receiving those wanting to enter the order

When, however, anyone wants to enter a fraternity of this kind, let the ministers, deputed to the reception of such ones, skillfully investigate his employment, state in life, and moral/financial condition, exposing openly to him the burdens of [membership in] this fraternity, and especially [the duty of making] restitution of others property. With the aforementioned things accomplished, if it pleases him, let him be clothed in the dress of the same, and let him strive to make satisfaction for the property of others (if there is any in his possession) in a monetary equivalent, and/or according to the deposit due the item loaned: and let him, nevertheless, take care to be reconciled with his neighbors. Which when all these things have been conducted to completion, after the space of a year, with the counsel of some of the distinguished brothers, if he seems to be suitable to them, let him be received in this manner, namely, that he promise that he will observe all the divine precepts, and also make satisfaction (as is necessary) for the transgressions, which he has committed against this manner of living, when requested to do so according to the will of the visitator. And with this kind of promise having been made by him, let it be put down in writing by means of a public notary. But let no one be received in any other manner by those ministers, lest it seem otherwise to them, separately, [by reason of] a solicitous consideration of the condition of the person and his perseverance. Establishing besides these things, We ordain that no one, after entrance into this fraternity, be allowed to leave it, to go back to the world. However one may have permission to freely enter any approved religious Order. But let entrance into the family of the said fraternity not be open to women who have husbands (unless their license and consent [is given]).

Chapter III: On the form of the habit, and the quality of [their] clothing.

Let the brothers above all of this fraternity, commonly be dressed in cloth humble in price and color, not utterly white nor black, unless it has been dispensed for a time in some place by means of the Visitators on the counsel of the ministers, on account of a legitimate and manifest reason. Also let the abovesaid brothers have cloaks [chlamydes] and leather clothing [pelles], without low necklines [absque scollaturis], split down the front [scissas] and/or whole, nevertheless clasped or open, as befits honesty, and [with] closed sleeves. Also let the sisters dress in a cloak, and a tunic made from humble cloth of this kind, and/or at least let them have with the cloak a long gown [guarnellum], or a Piacenzean garment [placentinum], white or black in color; or a full cloak [paludellum] made from hemp, or linen, stiched without any ruffling [crispatura]. Concerning the

humbleness of the cloth and the leather of the sisters themselves, one can be dispensed in accord with the condition of each, and the custom of the place. Let them not use tight [bindis] or silken bindings [ligaturis sericis], [and] let both the brothers as well as the sisters have nothing fancier than [dumtaxat] lambskins, purses made of hide and shoe-ties, made simply without any silk [serico] and not otherwise, after having put off the other vain ornaments of this age (in accord with the sober counsel of Blessed Peter the Prince of the Apostles).

Chapter VI: That they are not to go to immodest [inhonesta] banquets and spectacles, and that they are not to give offerings to actors.

Let access to immodest banquets, and/or spectacles, or meeting places, or line-dancing [choreas] be entirely prohibited to them. Let them give nothing as a offering to actors, or to the sight of vanity. And let them take care to prohibit that anything be given to these from by their own family. *Chapter*

V: On abstinence and fasting

Let each and every one of them [universi] abstain from the eating of meat on Monday, Wednesday, and Friday, and on Saturday, unless the presence of infirmity persuades otherwise. Indeed let meat be given to the little ones throughout these three days [or the Triduum ?], nor let it be withdrawn from those set out on a journey; also when it happens that some exceptional solemnity falls during [these days], let each be allowed that fare which other Christians are accustomed to consume at barbecues [epulis carneis] from ancient times. But on other days, in which fasting is not observed, let eggs and cheese not be denied [them]. But let them also be able licitly to eat of whatever is placed before them when they are with other religious in their own religious houses [conventualibus domibus]. And let them be content with the taking [refectione] of lunch and dinner, except for the weak, infirm, and travelers. Let the food and drink of the healthy be moderate, since the Evangelical Text has: Pay attention lest your hearts be weighed down with drunkenness and hangovers. But let breakfast and/or dinner not be taken, except with the aforementioned Lord's Prayer: after each meal it is to be repeated with a Deo gratias, which if it happens to be omitted, the Pater noster is to be said three times. Moreover on Fridays throughout the year fasting is to be celebrated, except perhaps from infirmity or another legitimate reason they be excused, or if it happened that the Feast of Christmas was to be observed on that day. But they will fast from the Feast of All Saints up until Easter, on Wednesday and Friday; [and they are] nevertheless to observe the other [days of fasting], which have been established by the Church, or those indicated by for other reasons on ordinary days. But in the Lent of St. Martin [which begins on Nov. 1] up until Christmas and from Quinquagesima Sunday [i.e. two Sundays before Ash Wednesday] up until Easter, let them take care to fast on each day (Sundays excepted), unless some infirmity or necessity suggests other [devotions]. The sisters with child can, if they want to, abstain up until the day of their purification from whatever bodily exertion (prayer alone excepted). Workers (on account of the presence of the fatigue from the work being completed) can licitly take food from Easter Sunday up until the Feast of the aforesaid Blessed Francis, three times on each day, on which they ply themselves in the

exertion of work. But when it happens that they are engaged in works for others, it is licit for them to eat on any day, except Friday, and/or those days, in which fasting is generally recognized to have been instituted by the Church.

Chapter VI: How often they ought to confess during the year, and receive the Body of Christ.

Moreover let each of these brothers and sisters, not postpone confessing their own sins three times a year, namely, on the feasts of the Lord's Nativity, His Resurrection, and Pentecost, nor receiving the Eucharist devoutly, having reconciled themselves with their neighbors and restored also their goods.

Chapter VII: That they are not to bear weapons for fighting.

Let the brothers not bear about with themselves arms, except for the defense of the Roman Church, the Christian Faith, and/or also their country or with the permission of their ministers.

Chapter VIII: On the canonical hours to be said.

Let each and every [tertiary] say each day the seven canonical hours, namely, Matins, Prime, Terce, Sext, Nones, Vespers and Compline. Let the clerics say the Psalter, for Prime *Deus in nomine tuo, Beati immaculati*, up to *Legem pone* and the other psalms of the hours, in accord with the ordo of the clergy with the *Gloria Patri*. But when they do not go to church, let them strive to say the psalms for Matins, which the clergy say or which they say in the Cathedral church, or at least, let them not omit to say twelve *Pater noster* with the *Gloria Patri*, as the other illiterate [do] for Matins, and seven for each of the other hours. At which time, namely at the hours of Prime and Compline, let them add the *Apostles Creed* [minorem symbolum] and the *Misereri mei, Deus*, who know these. But let the infirm not be bound to say the hours this way, unless they want. Moreover in the Lent of St. Martin [which begins Nov. 1], and even in the larger churches in the parishes of which they dwell, let them take care to personally attend the morning hours [Matins, Lauds, Prime], unless excused for a reasonable cause.

Chapter IX: That all, who are able by law, are to make out a will.

Furthermore, let all, who have the faculty from the law, establish or make out a will, and let them ordain and dispose of their goods within the three following months after their entrance, lest anyone of them happen to die intestate.

Chapter X: On re-establishing peace among the brothers and those outside [the community].

But concerning the peace and is to be made among the brothers and sisters or even outsiders put in discord, as it will seem to the ministers, let it so be done, having invited the counsel of the diocesan bishop (if he has the faculties) in this matter.

Chapter XI: When they are molested against the law, or their privileges.

If indeed the brother and/or sisters are harassed [vexationibus impetantur] against the law and/or their privileges by means of the mayors [potestates] or rulers of the region, where they obtain domicile, let the ministers of the place strive to have recourse to the bishop and to the other ordinaries of the region, in accord with the counsel and regulations to be following in their norms [tabulis].

Chapter XII: Let them beware, as much as possible, of solemn oaths.

Let them abstain, moreover, from all solemn oaths, except as driven by necessity in the cases excepted through the indulgence of the Apostolic See, namely, on behalf of peace, the Faith, to hinder calumny and bear witness, and even in contracts regarding buying, selling, and donations, where it will seem expedient. Let them also avoid oaths in everyday speech, as much as they are able. And let him, who on any day has sworn less cautiously out of a slip of the tongue (as customarily happens in speaking much) that day at the fall of evening, when he ought to ponder what he has done, say three times the Lord's Prayer, on account of having recklessly made an oath of this kind. Moreover, let each be mindful, to exhort his own family to respect God's Name [divina obsequia].

Chapter XIII: On hearing Mass and attending meetings.

Let all the healthy brother and sisters of each city or place, hear Mass [Missae officium] each day (if they can do so conveniently), and let them assemble each month in the church or place, in which, and/or to which the ministers have taken care to point out, to hear Solemn Mass there. Moreover, let each one give \$1 [usualis monetae denarium] to the almoner [missario], who is to collect this money, and let them divide it fittingly by the counsel of the ministers among the brothers and sisters burdened by poverty, and those especially infirm, and those, who are noticeably lacking in funeral arrangements, and then among the other poor. Besides from the same monies let them make offerings to the church where they gather [Ecclesia memoratae]. And then (if they can do so conveniently) let them take care to have man, religious and competently instructed in the word of God, to exhort, solicitously admonish and to induce them to penance and undertaking the works of mercy. Let each strive, while Mass is being celebrated, and the homily is being given, to observe silence; let him be intent on prayer and his duty, except when the utility of the fraternity impedes him.

Chapter XIV: On the infirm and deceased brothers.

But when any of the brothers happens to be infirm, let the ministers be bound in person and/or through another, or others (if the infirm request this) to visit the sick once each week, inducing him solicitously to receive Penance (as they think is better and more

efficaciously expedient), ministering to his necessities from the common fund. And if the aforesaid infirm person passes from the present life [de praesenti luce], let it be announced to the brothers and sisters present, both in the city and/or place, where he happened to die, that they are to take care to personally be present at the funeral the deceased. From which [ceremony], let them not depart until the solemnities of Masses have been celebrated, and the body buried in the grave. We wish that this is also to be observed concerning the infirm and deceased sisters. Furthermore, within the eight days immediately following the death of the one buried, let each of the brothers and sisters say, on behalf of his soul, if a priest, namely, one Mass, if one can read the Psalter, the 50 psalms, and those illiterate a Pater noster every day and at the end of each [of the above] let them add a Requiem aeternam. And after these, let them have celebrated within the year three Masses on behalf of the brothers and sisters, both living and faithfully [salute] departed. Let those who know the Psalter say it, and let the others not omit saying the Lord's Prayer 100 times, at the end of which each is to add a Requiem aeternam.

Chapter XV: On the ministers.

Also let each one undertake devoutly and faithfully administer the exercise of the ministries and other offices, imposed upon him, which are mentioned in the text of the present document. Moreover let the office of each be limited to a certain space of time. Let no minister be installed for life, but his ministry comprehend a fixed time.

Chapter XVI: On the visitation and correction of the deliquent.

For these let the ministers and brothers and sisters, of every city and place, assemble for the common visitation in some religious place, and/or church, where it happens that a place is lacking, and let them have a priest as visitor, who is a member of some approved religious institute, and who is to enjoin a salutary penance upon them for the excesses they have committed. Nor let any other execute the office of this kind of visitation for them. Since indeed the present form of living takes its institution from the aforepraised Bl. Francis, We counsel, that the visitors and formators be taken from the Order of Friars Minor, whom the custodes and/or guardians of the same Order, have directed to be assigned [for this purpose], when requests of this kind have been made. But, We do not want a gathering of this kind to be visited by a layman. Moreover, let the duty of this kind of visitation be exercised once a year, unless at the suggestion of some necessity it has to be done many times. Indeed let him issue three warnings to the incorrigibles and inobedient. Let those, who do not care to correct themselves, be entirely expelled from the familiarity [consortio] of the same assembly on the counsel of the more discrete members.

Chapter XVII: On avoiding quarrels among themselves and with others.

Let the brothers and sisters, besides, avoid (as much as is possible) quarrels among themselves, by solicitously breaking them off (if one happens to undertake one): otherwise, let them answer according to law before him, before whom the authority resides to judge [the matter].

Chapter XVIII: How and through whom one can be dispensed from abstinences.

Moreover, the ordinaries of the region, and/or the visitator, can dispense each and every brother and sister from abstinences, fasts and the other austerities, out of a legitimate reason (when they see this to be expedient).

Chapter XIX: That the ministers are to denounce their manifest faults to the visitator.

Let the ministers indeed denounce the manifest faults of the brothers and sisters to the visitator for punishment. And if anyone has been incorrigible, after the instance of three admonitions from the ministers let it be announced to the same visitator, that he is to be excluded [abiciendus] from the familiarity of the assembly by him, and that his deeds are to be made public [publicandus] in the assembly.

Chapter XX: How in the aforesaid things no one is to obliged unto mortal sin.

Otherwise in all the aforesaid things, to which the brothers of this order are bound not from the divine precepts or the statutes of the Church, We will that none of them be obliged unto mortal sin, but let him receive it as a penance imposed upon him, for the excess of transgression, with prompt humility, and let him strive to effectively fulfill it.

Therefore let it be licit to entirely no man to infringe this Our document, statute, decree, and will ...

Given at Rieti, on the sixteenth of the Calends of September, in the second year of Our pontificate.

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